

REMARKS

Applicants have reviewed the application in light of the Office Action dated October 30, 2008. Claims 1–17 remain pending in the application. No new matter has been added.

Applicants acknowledge the Examiner's allowance of claims 1–6 and 10–17.

Claims 7–9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0100581 to Williams (hereinafter "Williams").

Claim 7 recites, *inter alia*, "A method for producing a television program **via a plurality of production devices** connected to **a control system**." MPEP § 2111.02 (I) states that "Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation." In this case, the preamble clearly states that a program is produced *via a plurality of production devices*, and that these devices are connected to a control system. Williams does not have a single such production device, let alone a plurality of them, nor does Williams have a control system that such devices might be connected to. It is therefore respectfully asserted that Williams does not disclose or suggest a method for producing a television program via a plurality of production devices connected to a control system.

Claim 7 also recites, "**pre-producing the program** by controlling at least one of the production devices to establish a scene of the program." The Examiner asserts that Williams discloses this element in its use of "pre-produced video" in FIG. 1, block 105. However, this interpretation neglects the plain meaning of the words "pre-produced" and "pre-producing." Williams uses "pre-produced" video,

which means that it uses video that has been produced in advance. The present invention, meanwhile, claims a *pre-producing* step, which involves actions that occur *before production*. In fact, Williams makes no mention whatsoever of the actions that might take place before production. It accepts as a given that pre-produced video exists and takes no notice of how that video was produced. It is therefore respectfully asserted that Williams does not disclose or suggest pre-producing a program.

Furthermore, it is clear that Williams also does not discuss controlling particular production devices to establish a scene. As noted above, Williams has no discussion of production devices at all. This language is not merely functional, as it describes the process by which the program is pre-produced. Williams makes no mention of any particular production devices and, in addition, does not discuss establishing a scene of a program, whether using that terminology or any other. It is therefore respectfully asserted that Williams does not disclose or suggest pre-producing a program by controlling production devices to establish a scene of a program.

Claim 7 further recites, “creating a memory object **representing the state the at least one production devices** for the at least one scene.” The Examiner asserts that Williams discloses this step by defining and storing an insertion point at block 110. However, as noted above, Williams does not and cannot deal with production devices, because it deals entirely with video that has already been produced. To the extent that Williams discloses “memory objects” at all, the storing of insertion points in Williams represents only information as to where one video will

be inserted into another. The “memory objects” in Williams then do not deal with production devices at all, let alone the *state* of such devices. It is therefore respectfully asserted that Williams does not disclose or suggest creating a memory object representing the state of production devices.

Claim 7 goes on to recite, “repeating steps (a) and (b) to establish a plurality of scenes for the program.” That is, repeating the “pre-producing” and “creating” steps. The Examiner asserts that Williams discloses this element by identifying multiple insertion points. However, setting aside Applicants’ disagreement regarding Williams’s use of “pre-producing” and “creating” steps, Williams clearly neglects the claimed repetition of the “pre-producing” step. Assuming *arguendo* that Williams’s use of pre-produced video satisfies the “pre-producing” step of claim 7, Williams uses *only one such video* and identifies multiple insertion points within it. Williams states in paragraph 16, “In combining **the** pre-produced video image with other video images, such as a series of frames it may be necessary to define the insertion point at different coordinates in each frame.” It is clear that the technique in Williams deals with only *one* pre-produced video at a time, and therefore the supposed “pre-producing” step is never repeated. It is therefore respectfully asserted that Williams does not disclose or suggest repeating the “pre-producing” and “creating” steps to establish a plurality of scenes for a program.

Claim 7 finally recites, “producing the program by recalling the memory objects in a first sequence corresponding to a desired sequence of scenes **such that each production devices assumes a state** corresponding to the memory object.” The Examiner asserts that this element is disclosed by Williams in the

combining step 120. However, as noted above, Williams does not deal in any way with production devices, and therefore can never deal with their states. It is therefore respectfully asserted that Williams does not disclose or suggest producing a program by recalling memory objects in a sequence such that each production device assumes a state corresponding to the memory object.

For at least the above reasons, it is believed that claim 7 is in condition for allowance. Because claims 8 and 9 depend from claim 7, they include all of the above-discussed features, and it is believed that they are also in condition for allowance. Reconsideration of the rejection is respectfully requested.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

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No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,
David A. Casper, et al.

By: /Robert B. Levy/
Robert B. Levy
Attorney for Applicants
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312

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